

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:	)	
	)	
	)	
Foggy Bottom Grocery, LLC	)	License Number: 82431
t/a Foggy Bottom Grocery	)	Case Number: 82431-09/072P
	)	ORDER NUMBER: 2010-003
Applicant for a Transfer of	)	
Ownership and Substantial Change	)	
to a Retailer's Class B License	)	
at premises	)	
2140 F Street, N.W.	)	
Washington, D.C. 20037	)	

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BEFORE: Charles Brodsky, Acting Chairperson  
Mital M. Gandhi  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member

**ORDER DENYING MOTION TO STAY ISSUANCE OF BOARD ORDER**

Foggy Bottom Grocery, LLC t/a Foggy Bottom Grocery (Applicant), located at 2140 F Street, N.W., Washington D.C., filed an Application for a Transfer of Ownership and Substantial Change to a Retailer's Class B License. The Application was protested by West End Citizens Association (WECA), represented by Barbara Kahlow (Protestants).

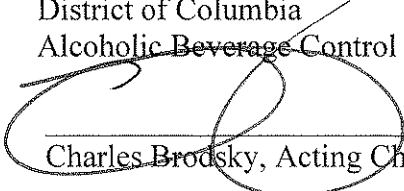
The matter came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 21, 2009, at which time the Application was scheduled for a Status Hearing on October 28, 2009. The protest was not settled and the matter was heard by the Board at a Protest Hearing on December 9, 2009. At the conclusion of the Protest Hearing, the Board took the matter under advisement.

On November 10, 2009, WECA filed an Appeal with the Board of Zoning Adjustment (BZA) alleging that the Department of Consumer and Regulatory Affairs improperly issued a Certificate of Occupancy (COO) to the Applicant on November 4, 2009. On December 2, 2009, the Applicant filed a Motion to Dismiss WECA's Appeal.

At the time of the December 9, 2009 Protest Hearing, WECA requested that the Board await the results of its Appeal to the BZA before approving the Applicant's requested substantial changes to its Retailer's Class B License. Subsequently, on December 13, 2009, WECA filed a Motion to Stay Issuance of a Board Order ("Motion") until issuance of a BZA Order for BZA Case No. 18031. In response, on December 28, 2009, the Applicant filed an Opposition Motion to Stay Issuance of a Board Order ("Opposition Motion"). The BZA hearing will be held on February 23, 2010.


Upon consideration of WECA's Motion, Applicant's Opposition Motion, and the entire record of this matter, the Board, on this 6<sup>th</sup> day of January, 2010, hereby **DENIES** WECA's Motion to Stay Issuance of a Board Order.

District of Columbia  
Alcoholic Beverage Control Board



Charles Brodsky, Acting Chairperson

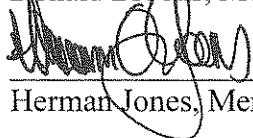
Mital M. Gandhi, Member



Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 1250 U Street, N.W., 3<sup>rd</sup> Floor, Washington, D.C. 20009